

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D.C. 20548

FILE: B-184253

DATE: July 29, 1975

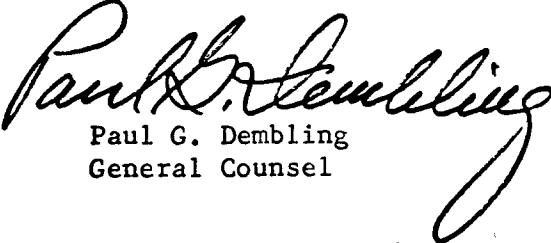
MATTER OF: Service Management Corporation

DIGEST:

Protest on information filed more than a month after protester became aware of grounds for protest is untimely and not for consideration on its merits under section 20.2(b) of Bid Protest Procedures and Standards.

Service Management Corporation (SMC) protests the April 10, 1975, award of a contract under invitation for bids (IFB) DASG60-75-B-0004, issued by the Ballistic Missile Defense Systems Command (BMDSC), Huntsville, Alabama. SMC contends that BMDSC waived the IFB's requirements regarding the qualifications for the "Guard Force Commander" and the required number of hours of pre-duty training for incumbent personnel. SMC has advised our Office that it became aware of the above grounds for protest on or about May 15, 1975, when it was unofficially informed that the contract as awarded deviated from the terms of the solicitation.

Section 20.2(b) of our Bid Protest Procedures and Standards (40 Fed. Reg. 17979 (1975)) provides that "*** bid protests shall be filed not later than 10 days after the basis for protest is known or should have been known, whichever is earlier. *** The term 'filed' as used in this section means receipt in the *** General Accounting Office ***." SMC's protest was received by our Office on June 20, 1975. Therefore, since SMC advises our Office that to this date, it has not made any effort to either verify or corroborate the information forming the basis of its protest and delayed filing the instant protest with our Office for more than a month after receiving said information, we regard the protest as untimely and not for consideration on its merits. Moreover, the contracting agency has advised our Office that the specification requirements were not waived as contended by the protester.


Paul G. Dembling
General Counsel